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U.S. DISTRICT COURT
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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN HAMILTON,

Defendant.

FELONY INFORMATION

Vio. Count 1: 18 U.S.C. § 1505
(Obstruction)

Case: 1:19-cr-00034
Assigned To : Campbell, Tena
Assign. Date : 3/20/2019
Description: USA v. Hamilton

The United States Attorney alleges that at all times relevant to this Felony Information:

Count 1
18 U.S.C. § 1505
(Obstruction of Proceedings Before Departments and Agencies)

1. JUSTIN HAMILTON "HAMILTON" was a resident of Cache County, in the District of Utah.
2. At all relevant times, HAMILTON was the co-owner of Café Sabor locations in Bear Lake, Utah, Layton, Utah, and Logan, Utah.
3. At all relevant times, the United States Department of Labor ("DOL") was an independent agency of the United States. The DOL's Wage and Hour Division ("WHD") is responsible for enforcing federal labor laws including minimum wage, overtime pay, and record keeping under the Fair Labor Standards Act ("FLSA").

4. On or about October 2016, The DOL WHD, Salt Lake City District Office, began an investigation of Café Sabor in Bear Lake, Utah. The investigation uncovered wage and hour violations that appeared to be systemic and the WHD investigated two other Café Sabor locations in Layton, Utah and Logan, Utah.

5. The WHD investigations revealed minimum wage, overtime, and other violations of FLSA.

6. On or about February 8, 2017, HAMILTON agreed, in a written Settlement Agreement, to pay all of the back wages, equaling \$125,715.70 on or before July 31, 2017.

7. The Settlement Agreement stated in relevant part that “The employers will not in any way directly or indirectly demand, require or accept any of the back wages from any of the employees listed . . . The employers understand that violation of this paragraph may subject the employers to legal action.”

8. Between about September 1, 2017 and September 11, 2017, HAMILTON sent seven e-mails to the DOL WHD, Salt lake City District Office, and documents claiming to be proof of payment to the workers. These e-mails contained copies of checks made payable to the workers owed back wages and traveled over interstate wire to Colorado from Utah.

9. WHD attempted to verify that the Café Sabor employees had been paid their back wages. The verification revealed that some employees were not paid and that the canceled checks used as proof of payment had been forged.

JUSTIN HAMILTON,


Identified herein, did corruptly influence, obstruct and impede, and endeavored to influence, obstruct and impede the due and proper administration of the law under which a pending

proceeding, the DOL WHD investigation into Café Sabor identified above, by submitting forged and altered checks to the DOL WHD purporting to show compliance with the DOL WHD Settlement Agreement. All in violation of Title 18, United States Code, Section 1505.

Dated this 14th day of March, 2019

20th

JOHN W. HUBER
United States Attorney


RUTH HACKFORD-PEER
Assistant United States Attorneys